

REMARKS

Claims 1-11 and 13-26 are pending in this application. All were rejected under 35 USC 103(a) in view of Butler and Takahashi. Applicant asks the Office to reconsider this application and allow all of the claims.

Claim 1

On page 2 of its most recent action, the Office states that the arguments submitted by Applicant in its previous reply “are now moot in view of the new ground(s) of rejection.” Applicant disagrees. Many of Applicant’s comments on Butler still apply. In particular, with respect to claim 1, Applicant finds absolutely nothing in Butler to suggest that “at least two unrelated business entities” might be acting in concert, through the terms of an agreement between the business entities, to store their business data in a common database and then making this data available for retrieval by one or both of the entities. Once again, the Office has failed to show which portion of the Butler patent, if any, shows or suggests the receipt of business data “from two unrelated business entities” for storage in the common database. Paragraph 4 in the Office action asserts that Butler teaches “receiving business-related data . . . , from at least two unrelated business entities,” but it makes no attempt to show where in Butler one would find such a teaching. Applicant maintains that Butler’s system is meant for use by a single business entity in its attempt to reduce its costs in preparing bids for contracts from other businesses; Butler does not suggest its creation or use by any more than one business entity.

Perhaps more importantly, Butler neither shows nor suggests an arrangement in which the information retrieved from the common database by one of the business entities “includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement,” as claimed. The Office admits as much on page 3 of its action (“Butler fail to teach or suggest a system . . . where the information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that

is not party to the agreement.”) The Office attempts to overcome this admitted deficiency in Butler, however, by citing the Takahashi publication (US 2002/0095381).

Interestingly, the Office has previously cited this same Takahashi publication as a primary reference in the Office actions of June 29, 2004, and April 12, 2005, and in those actions, the Office made statements directly in contradiction to the statements made in its most recent action. In particular, in the action of April 12, 2005, the Office conceded that the “combination of Takahashi et al and Choy fail to teach an inventive concept of where information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement.” (Page 3, Office action of April 12, 2005.) In the current action, the Office makes exactly the opposite statement: “Takahashi et al teach a system wherein in accordance with the terms of an agreement among the business entities, allowing at least one of the business entities to receive information gathered from the common database where the information includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement.” (Page 3, Office action of February 14, 2006.)

Applicant does not understand this sudden shift in viewpoint by the Office on the Takahashi reference, especially since, once again, the Office does not point out precisely where such teaching is found in Takahashi. The Office does cite generally to Takahashi’s paragraphs [0004] through [0012], which form the “Background” and “Summary” sections of Takahashi’s patent, but Applicant finds nothing in these paragraphs to suggest the retrieval of information that “includes data describing some aspect of a business relationship between at least one of the business entities and another entity that is not party to the agreement,” as claimed.

As explained by Applicant in its reply to the Office action of June 29, 2004, Takahashi’s system is designed specifically to facilitate transactions between entities that have contracted to use the system. The system does this by storing information that describes “articles for buyers” to purchase through the system and “the contents of contracts associated with business transactions” that occur through the system. [See, e.g., ¶[0008].] The information stored by Takahashi’s system thus describes either the products and services offered by the business entities or the vehicles through which the

entities can buy and sell those products and services amongst each other. The information delivered by Takashahi's system does not describe any aspect of a relationship between one of the business entities and some other entity who is not party to the data-sharing agreement.

The result is that claim 1 and its dependents all are patentable over the combination of Butler and Takahashi. Applicant therefore asks the Office to allow these claims.

Claims 18, 25 and 26

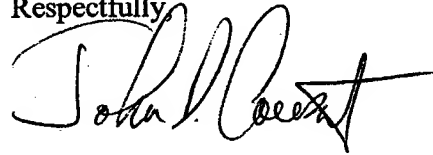
As with claim 1, claims 18, 25 and 26 require an agreement for gathering data from multiple unrelated business entities and allowing at least one of these business entities to retrieve from that data information describing some aspect of a business relationship between one of the business entities and another entity that is not party to the agreement. As discussed above, Butler and Takahashi, even when taken in combination, fail to show or suggest these elements of the claims. Accordingly, all of these claims, as well as their dependents, are patentable over Butler and Takahashi.

CONCLUSIONS

The prior art of record does not show or suggest the invention claimed by Applicant. Therefore, all of the claims are allowable. Applicant asks the Office to reconsider this application and allow all of the claims.

The Office is authorized to charge any fees that may be due, except for the issue fee, to deposit account 14-0225.

Respectfully

A handwritten signature in black ink, appearing to read "John D. Cowart", written over a horizontal line.

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